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Minutes of Plan Commission Meeting March 1, 2010

Held at the Town Hall on County Highway G

Town of Holland, Sheboygan County, Wisconsin

The numbering of the Minutes corresponds to that of the Agenda:

1. The meeting was called to order at 7:03 p.m. by Chairman Donald Becker.
2. The assembly recited the Pledge of Allegiance.
3. Chairman Donald Becker certified that the requirements of the Wisconsin Open Meetings law had been met.
4. Record Retention Certification: Clerk Syd Rader certified that hard-copies and electronic files of the Plan Commission are filed at Town Hall through January 2010. Files more recent than that are in the Clerk's hands.
5. The Agenda was adopted as the official order of business on a motion by Dave Huenink with the understanding that the Jepson request has evolved to something different than the written, formally noticed description. The motion was supported by Eugene Schmitz and passed by a unanimous voice vote.
6. Roll Call showed in attendance Chairman Donald Becker, Jack Stokdyk, Jan Rauwerdink, Eugene Schmitz, David Mueller, Roy Teunissen, Dave Huenink, Trevor Mentink. Excused was Tom Huenink. Absent was Joel Van Ess. Ken Nyhuis is resigned from membership in the Plan Commission.
7. The Minutes of the meeting on February 1, 2010 were approved on a motion by David Mueller. The motion was supported by Eugene Schmitz, passing by a unanimous voice vote.
8. Public input:

Dan Posthuma reported having met legislators in Madison and on developments in new legislation that would repeal conversion fees.

Cathy Knuth of N2462 Cty. Hwy. CC (zoned A-5) appeared seeking advice on her proposal to form a small school for nursing assistants at her home. School attributes: 12 students maximum, sited on 1st floor of her home, new bathroom in basement, separate entrance, ample parking available, no employees, classes starting September 2010, ADA ramp, licensed by Wisconsin. The Plan Commission maintained that Ms. Knuth would need to comply with the standards for home occupations, article 330-38 of the Town Code.

The Knuth proposal triggered an interesting discussion between Jamie Rybarczyk and the Plan Commission about the treatment of home occupations in the pending

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Zoning Ordinance. Questions were raised about the validity of 330-55 and 330-56. Do we need to have “permitted uses” in home occupations? Jamie offered to run these questions by Attorney Antoine.

9. Public hearing: Jepson’s request was formally noticed thus:

A request by John and Janelle Jepson who own 120 acres of mostly A-1 land (59006061972) at N1946 Dulmes Road. Their request is for land division, a change of zoning, and a conditional use permit for a single-family residence. One new lot of 28.72 acres (“Lot 1”) would be created according to a draft CSM drawn by John M. DuMez, and be accessed from Dulmes Road. The remainder of the 120-acre parent parcel would remain unplatted and zoned A-1 and be accessed from County Highway A. It is requested that Lot 1 be rezoned from A-1/A-5 to A-2 and be the site of a future single-family residence. Lot 1 includes an 11.64-acre part that was previously defined as Lot 2 in CSM Volume 15, pages 55-56 and is currently zoned A-5. According to the request its zoning would change from A-5 to A-2.

However, between the formal noticing and the public hearing, Jepson simplified his request, asking only for a conditional use permit for a single-family residence (sited on A-1), a stance maintained at the public hearing.

John Jepson appeared and spoke in favor of his request for a conditional use permit; no one spoke in opposition. The Plan Commission observed that Jepson would need to be principally engaged in agriculture. Jepson admitted that he is not so engaged though he may be in the future.

Jepson had hoped to start building May-June 2010 and finish late 2010. As for tree farming he plans to grow Norway maple and spruce trees to 5-8 foot height. Jepson stated that he has every intention of keeping his land in agriculture.

Jack Stokdyk moved to close the public hearing, supported by Dave Huenink, passed by unanimous voice vote.

10. Deliberation/action on the Jepson request. The request is for a conditional use permit for a single-family residence to be sited in the A-1 part of his parcel, as shown on the draft CSM. Plans to create “Lot 1” are cancelled, as are plans to rezone.

The biggest issue was whether Jepson is principally engaged in agriculture; he admits he is not. Thus the Jepson request does not fit the existing Zoning Ordinance but will apparently fit the pending Zoning Ordinance to take effect a few months hence. Jepson offered to wait until then for Town action on his request.

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Eugene Schmitz moved to table the request until July 2010 or earlier if the public hearing for the ordinance is scheduled for an earlier date. Supported by Dave Huenink. Passed by unanimous voice vote.

11. Presentation by Jamie Rybarczyk of Foth:

- (1) Present and discuss the zoning ordinance and land division ordinance adoption schedule. Handouts included color copies of marked-up ordinances, plus project schedule, yard dimensions, plan commission application form, etc. Resolved that all fees should appear only in a fee schedule, with references to the fee schedule in the ordinances. Adoption of the land division could occur in June 2010. A Class I public notice would go out in early May. The Plan Commission would finalize the ordinance text in April.
- (2) Present and discuss the recommended draft of the land division ordinance, Chapter 335, per the recommendations of the Town Attorney & Town Planner. Chairman Becker urged everyone to give careful attention to the land division ordinance, to getting it right, because it represents a sharp departure from the status quo. The respective responsibilities of Plan Commission and Town Board should be clarified.
- (3) Distribute the final draft of the zoning ordinance, Chapter 330.

12. Public Input:

Dan Posthuma wondered if the existence of multiple tax parcels under common ownership, with those parcels forming a contiguous whole, has standing under the pending Zoning Ordinance – wondered about how such a situation would be treated. Apparently the Zoning Ordinance says nothing about tax parcels which is a County matter. In applying the Zoning Ordinance, it would be as if the multiple tax parcels did not exist. For example, if two 40-acre parcels are adjacent and owned by the same party, the Zoning Ordinance sees only an 80-acre parcel.

Dan Posthuma presented a hypothetical situation: What if, under the new Zoning Ordinance, a 2-acre A-1 lot is created for a residence. Its owner still owns the unplatted A-1 land around the two acres. Subsequently the owner/heirs/assigns wishes to expand the 2-acre lot by moving the boundary between it an adjacent parcels. Would this be allowed under the new Zoning Ordinance? Jamie Rybarczyk's answer was no.

Chairman Becker will phone John Jepson with some new options concerning the request for a CUP. Jepson might move the boundary between the A-5 and A-1 zones, moving the boundary sufficiently westward to encompass the proposed residence. A minimal amount of A-1 would be rezoned to A-5. This option makes the issue of “principally engaged in agriculture” go away.

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13. The attendance record for February 2010 was approved on a motion by David Mueller, supported by David Huenink, passing by a unanimous voice vote.
14. The meeting adjourned at 10:05 p.m. on a motion by Jack Stokdyk, supported by David Mueller, passing by a unanimous voice vote.

Respectfully submitted,
Syd Rader, Clerk of the Plan Commission, Town of Holland
March 2, 2010